

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

EXHIBIT

B

No. 1:18-cv-00540-LMB-IDD

- - - - - x

MARCIE D. VADNAIS,

Plaintiff,

vs.

SIG SAUER, INC.,

Defendant.

- - - - - x

VIDEOTAPED RULE 30(b)(6) DEPOSITION OF SIG SAUER,
INC. BY ITS DESIGNEE PHIL STRADER

Thursday, January 10, 2019

Courtyard by Marriott Portsmouth

1000 Market Street

Portsmouth, New Hampshire

9:08 a.m. to 11:05 a.m.

Reporter: Karen A. Morgan, CSR/RPR

----New Hampshire License No. 154----

Veritext

516-608-2400

1 voluntary upgrade to name this program?

2 A. I can't say for sure. It was probably a
3 collaborative effort between the marketing
4 department and product management and legal.

5 Q. How many products were involved in the
6 August 2017 voluntary upgrade?

7 A. Well, one, the P320.

8 Q. How many were in commerce? How many had
9 been sold?

10 A. Oh, approximately 300,000 I think.

11 MR. JOYCE: We produced documents
12 that have that number but you can answer to the best
13 of your recollection.

14 A. I think it's 300,000.

15 Q. Do you know the total number of P320s that
16 have been sold to date in the commercial market?

17 A. Approximately 500 to 600,000.

18 Q. How many of the pre-redesigned version are
19 still out there?

20 A. Oh, I don't know. I don't know. I was
21 never provided with a number of voluntary upgrades
22 that were performed. I honestly don't know.

23 Q. Could SIG have labeled this a mandatory
24 recall instead of a voluntary upgrade?

25 A. I suppose we could have. I mean for lack

1 of a better term a recall is voluntary to a degree.
2 We had a mandatory recall of 700 triggers, X Mark
3 Pro triggers I believe and there's no way to
4 document who would send them back or not but the
5 voluntary upgrade was we felt a better choice
6 because a recall would indicate that the standards
7 for testing would not be met and we -- the drop
8 issues that had come up were well outside the
9 standards that the gun industry tests to or the
10 pistol industry tests to as far as drop safety so it
11 was a collaborative effort or collaborative decision
12 to let our customers make the decision for
13 themselves after we gave them the facts.

14 Q. You're aware that there are no U. S.
15 government standards for testing pistols; correct?

16 MR. JOYCE: Objection to the form.

17 A. I'm aware that the industry standard is
18 the SAAMI, NIJ and ANSI drop standards.

19 Q. Which are private associations.

20 A. Correct.

21 Q. Do you know if they involve dropping
22 pistols on one-inch rubber mats?

23 A. I'm not --

24 MR. JOYCE: Objection to form.

25 A. I'm not intimate with the test process but

1 I think some of the testing is performed on one-inch
2 rubber mats, yeah.

3 Q. For example if a P320 were dropped by a
4 soldier in Afghanistan, it's not going to be hitting
5 a rubber mat; correct?

6 A. That's correct.

7 Q. Or a civilian in New Hampshire. It's
8 probably going to be hitting something harder than a
9 one-inch rubber mat.

10 A. That's very possible.

11 Q. It's not going to, as I recall, land on
12 the same rubber map after it bounces off of it;
13 correct?

14 A. That's also very possible.

15 Q. Do you think the word recall sends more of
16 an air of urgency or a sense of urgency than the
17 phrase voluntary upgrade?

18 MR. JOYCE: Objection to the form.

19 A. I mean that's a personal opinion. I can
20 answer for Phil Strader. It sounds worse, yeah.
21 Recall always sounds a little worse than anything
22 else.

23 Q. For example the exhibit, I think it was --
24 you actually have the originals. The
25 September 2017 --

1 A. Yes. This one.

2 Q. Exhibit 2.

3 A. Yes. That's two.

4 Q. That's titled Safety Warning and Recall
5 Notice; correct?

6 A. Yes, sir.

7 Q. And the voluntary upgrade is titled in
8 August of 2017 Voluntary Upgrade of P320 Pistol.

9 A. Mm-mm.

10 Q. If you're a consumer, do those two
11 sentences or phrases hit you the same way?

12 MR. JOYCE: Objection to form.
13 Beyond the scope.

14 A. As a consumer, no. One seems a bit more
15 dire than the other.

16 Q. And with the rifle recall -- I'll get the
17 model. The limited number of rifles in the SIG 716
18 and 516 Carbon Fiber and SIG M400 Predator models
19 were built with, quote, a two-stage SIG Sauer
20 trigger that may have an improperly heat treated
21 hammer. Over time this could result in a trigger
22 malfunction creating a significant safety hazard.
23 SIG Sauer is issuing a mandatory recall to replace
24 the hammer and trigger assembly in these specific
25 rifles. This recall does not effect any military or

1 law enforcement rifles or any SIG MPX products. Did
2 you write that?

3 A. I did not.

4 Q. Could SIG have done the same thing for the
5 commercial version of the P320?

6 A. What do you mean the same thing? You mean
7 the same notice?

8 Q. Could they have issued, yes, a mandatory
9 recall to replace the trigger for example?

10 MR. JOYCE: Objection to form.

11 A. I suppose we could have.

12 Q. Was there anything stopping SIG Sauer from
13 issuing a recall of the P320?

14 A. No, no.

15 Q. Okay. Mr. Strader, I want to play the
16 video that I mentioned earlier.

17 MR. BAGNELL: Can we get this into
18 the shot? I'm just going to put this in front of
19 Mr. Strader.

20 Q. You know it obviously.

21 A. I believe so.

22 Q. I'll show you.

23 A. Yes.

24 Q. It's the one that was publicized. I'm
25 going to play this.

1 A. Put it right here.

2 MR. BAGNELL: For the record this is
3 a video entitled Explanation of Changes Made to the
4 P320 Pistol and I believe we'll see Mr. Strader
5 narrating or presenting in the video.

6 (Video was played.)

7 Q. You heard that, Mr. Strader?

8 A. Unfortunately. I hate my voice.

9 Q. You don't like your voice. No one does.
10 You sounded fine. No one forced you to make that
11 video; correct?

12 A. No.

13 Q. Were you under any coercion of any kind?

14 A. No.

15 Q. Who was the author of the content?

16 A. I was the author of the content.

17 Q. A lot of changes other than to the
18 trigger; correct?

19 A. The disconnecter was the big change other
20 than the trigger.

21 Q. The sear was changed?

22 A. The sear was changed. The safety lever
23 was changed and the trigger was changed.

24 Q. And two times you said those things had
25 nothing to do with drop safety; correct?

1 Q. Was there any dissension surrounding the
2 announcement of the voluntary upgrade program in
3 August of 2017?

4 A. Dissension, no.

5 Q. Disagreement.

6 A. No.

7 Q. Did anyone say we should do a recall?

8 A. Not to my recollection, no.

9 Q. Has anyone said that we should do a recall
10 since August 2017?

11 A. No.

12 Q. Are you personally aware of injuries that
13 have occurred in the course of people using the
14 P320?

15 A. Personally as in?

16 Q. Not as a corporate representative but just
17 personally.

18 A. No.

19 Q. You haven't heard of any?

20 A. Not personally, no, outside of the scope
21 of this as far as if you're asking me do I have
22 friends or people I know outside of the business
23 that this happened to, no.

24 Q. How many P320s were returned to SIG Sauer
25 pursuant to the voluntary upgrade program?

1 A. I'm not positive of those numbers. I
2 don't know. I'd recall that the numbers were lower.
3 I know that the last number I heard was in the 30 or
4 40,000 range but the program has been going on for a
5 while so I'm sure there's been -- the numbers were
6 larger at the beginning and then trickled down as
7 the program moved on.

8 Q. Thirty to 40,000 returned?

9 A. That was the last number that I heard but
10 I can't give dates as to when that was but it was
11 well into the program, probably at least six months
12 into the program and we had only received, you know,
13 maybe ten to 15 percent of the guns that were sold.

14 Q. I think you said you don't have a
15 marketing background?

16 A. No, I don't.

17 Q. All right. What was the cost to SIG Sauer
18 of those returns pursuant to that program?

19 A. Let me do some quick math because I did
20 actually hear a figure per gun. I don't know the
21 exact numbers but it was in the -- it cost the
22 company between shipping and man hours and parts and
23 returns in the four and a half to five million
24 dollar range if the math works out. It could be
25 more or less than that but I was given some vague

1 information about how much it cost per gun to do all
2 the work and all the labor and everything.

3 Q. Does that figure apply to the 30 to 40,000
4 that were returned?

5 A. Mm-mm. Yes, ma'am. Yes. Yes, sir.
6 Sorry. Getting too conversational.

7 MR. JOYCE: Why don't we take a
8 two-minute break?

9 MR. BAGNELL: That's fine.

10 THE VIDEOGRAPHER: The time is
11 approximately 10:11 and this is the end of media
12 number one.

13 (A break was taken.)

14 THE VIDEOGRAPHER: The time is
15 approximately 10:20. We are back on the record.
16 Counsel, you may proceed.

17 Q. We were talking about some of the facts of
18 the voluntary upgrade program, Mr. Strader, and I
19 think you said to your knowledge about 30 to 40,000
20 commercial versions were returned?

21 A. To my knowledge, yes.

22 Q. And approximately that was about a four
23 and a half million dollar cost?

24 A. Yes.

25 Q. I think you said that number represented

1 client suffered?

2 A. Yes.

3 Q. Can you tell me your general -- what you
4 know about that a part from conversations with
5 counsel?

6 A. Apart from conversations with counsel and
7 the information provided, nothing.

8 Q. Can you tell me if that incident prompted
9 the second notice in June of 2018?

10 A. Not to my knowledge.

11 Q. Do you know what did prompt the second
12 notice? Let me make it clear. The second voluntary
13 upgrade notice, do you know what prompted that?

14 A. I'm not sure what prompted it. I could
15 assume that it was just another reminder to
16 customers that this was a program that they could
17 engage in but I can't say for sure. That would be
18 my assumption.

19 Q. Are there any plans to do a third?

20 A. Probably not. The numbers of guns that
21 are coming in from that program are just -- they're
22 very, very small. We only have one machine running
23 these so it's a small number so probably not.

24 Q. I think you said to your knowledge there
25 are no plans to institute a recall of the weapon?